

REMARKS

Claims 1-8 and 13-14 remain in the referenced application. Claims 1 and 13 have been amended. Claims 9-12 have been canceled.

The specification has been objected to on the basis "Figure 2g" on page 10, in line 22, should read --Figure 3g--. Applicant has made appropriate correction.

Claim 9 stands rejected under 35 U.S.C. §102(b) by Keuck (U.S. Patent No. 5,322,265). Claim 9 has been canceled thereby rendering the above-recited rejection moot.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) by Keuck (U.S. Patent No. 5,322,265). Responsive to the above-recited rejection, Applicant has amended claim 1 to more particularly recite that the bridge assembly spans and is elevated over a tile pinned underneath the vertical support such that the bridge assembly does not contact the pinned tile. Applicant respectfully submits claim 1 as amended is patentable over Keuck because Keuck does not disclose a bridge assembly and there is absolutely no teaching in Keuck that the tower lifting apparatus disclosed therein include a bridge assembly.

Keuck discloses a tower lifting apparatus including a jack 54 coupled with cross-braces 48 that support clamps 47 adapted to engage a tower leg 10. The tower lifting apparatus further includes a plank 109 positioned under the jack 54 to aid in spreading the load of the jack 54 thereby preventing damage to a platform 3 of the tower 2. Applicant accordingly respectfully submits that, contrary to the Examiner's assertion, the plank 109 cannot be considered a bridge assembly because the plank 109 fails to function in any capacity as a bridge assembly. The plank 109 resides adjacent a foot 14 of the tower leg 10 in order to provide load distribution. The plank 109 does not in any way span a pad 33 underneath the foot 14, nor does the plank 109 reside elevated over the pad 33 such that the plank 109 does not contact the pad. Keuck therefore does

not disclose a bridge assembly because the plank 109 provides only load distribution and in no way operates as a bridge. Because the plank 109 is not a bridge assembly, Applicant respectfully submits there can be no modification of the plank 109 into Applicant's bridge assembly.

Applicant thus respectfully submits the Examiner's rejection of claim 1 as amended under 35 U.S.C. §103(a) over Keuck fails at this point.

Nevertheless, Applicant further respectfully submits that, even if the modification of the plank 109 was permissible, any such modification would constitute a hindsight reconstruction of Applicant's invention using Applicant's disclosure because there simply is no teaching in Keuck to support modification of the plank 109 into a bridge assembly. The Examiner asserts the brackets 48 permit use of the tower lifting apparatus with the plank 109 and without any type of bridge assembly. The Examiner accordingly contends that it would be obvious to modify the plank 109 to function as Applicant's bridge assembly. Applicant respectfully disagrees. A bridge assembly is omitted from the tower lifting apparatus not because the brackets 48 eliminate the necessity of a bridge assembly but because the pad 33 is the same size as the foot 14. As such, there simply is no reason to elevate the jack 54 over the pad 33. The plank 109 simply does not have to span the pad 33 and elevate the jack 54. In contrast, a tile pinned underneath a vertical support of a bookshelf protrudes beyond the support. Consequently, the plank 109 and the jack 54 would reside on the pinned tile, thereby preventing the removal of the pinned tile even after the support was raised, and the brackets 48 would not prevent the foregoing situation. Applicant therefore respectfully submits that, contrary to the Examiner's assertion, the brackets 48 do not in any way eliminate the necessity of elevating the jack 54. The plank 109 does not span the pad 33 and elevate the jack 54 simply because it is not necessary due to the pad 33 being the same size as the foot 14. Since the design of the pad 33 eliminates the need for any type of bridge

assembly, Applicant respectfully submits Keuck fails to provide any teaching that a bridge assembly be included in the tower lifting apparatus. There certainly can be no teaching in a reference when there is absolutely no need for the suggested modification. Applicant therefore respectfully submits the only reason to provide the tower lifting apparatus of Keuck with a bridge assembly is to produce Applicant's invention recited in amended claim 1. Applicant accordingly respectfully contends that modifying the plank 109 into Applicant's bridge assembly constitutes a hindsight reconstruction of Applicant's invention using Applicant's disclosure because the plank 109 operates solely to distribute the load of the jack 54, and there is no reason to elevate the jack 54 over the pad 33 because the pad 33 is the same size as the foot 14. Applicant thus respectfully submits claim 1 as amended is patentable over Keuck because Keuck does not disclose a bridge assembly and there is absolutely no teaching in Keuck that the tower lifting apparatus disclosed therein include a bridge assembly.

Applicant respectfully submits claim 2 is patentable under 35 U.S.C. §103(a) over Keuck on the basis of the preceding arguments.

Applicant respectfully traverses the rejection of claim 3 under 35 U.S.C. §103(a) over Keuck. The brackets 48 do not engage a hole pattern, and there is no teaching in Keuck to provide brackets that engage a hole pattern because the tower leg 10 is v-shaped.

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. §103(a) over Keuck. The brackets 48 do not include a fork that engages a hole pattern, and there is no teaching in Keuck to fashion the brackets as a fork that engages a hole pattern because the tower leg 10 is v-shaped.

Applicant respectfully submits claims 5-6 are patentable under 35 U.S.C. §103(a) over Keuck on the basis of the preceding arguments.

Applicant respectfully traverses the rejection of claim 7 under 35 U.S.C. §103(a) over Keuck. Based on the foregoing arguments, there simply is no disclosure in Keuck that teaches a variable height bridge assembly to compensate for bookshelf restraints near the floor covering.

Applicant respectfully traverses the rejection of claim 8 under 35 U.S.C. §103(a) over Keuck. Keuck discloses a pad for a tower foot, which is not a section of broad loom carpet.

Claims 9-12 have been canceled thereby rendering the above-recited rejection moot.

Claims 1, 7, 9, 10, and 13 stand rejected under 35 U.S.C. §103(a) by Keuck (U.S. Patent No. 5,322,265) in view of Hong (U.S. Patent No. 6,378,843) or Bressner et al. (U.S. Patent No. 6,390, 450 – hereinafter referred to as Bressner).

Applicant respectfully traverses the above-recited rejection of claims 1 and 13 as amended under 35 U.S.C. §103(a) over Keuck in view of Hong. In combining Hong with Keuck, the Examiner asserts Hong discloses a bridge assembly. Applicant respectfully disagrees. Hong discloses a jack device supported on a base having wheels. The base includes spaced apart members; however, the members are spaced apart only to support the jack device. The base of Hong in no way is used to bridge over a pinned object, and there is absolutely no disclosure in Hong that the bridging of pinned objects is contemplated. As such, Hong simply does not disclose a bridge assembly that spans and is elevated over a tile pinned underneath a vertical support of a bookshelf. Because Hong does not disclose a bridge assembly, Applicant respectfully submits combining Hong with Keuck cannot create Applicant's bridge assembly. Moreover, Applicant respectfully submits that, as previously argued, there is no reason to modify Keuck outside the teaching contained in Applicant's own disclosure. Applicant therefore respectfully submits that any modification of Keuck by Hong is nothing more than a hindsight reconstruction of Applicant's claimed invention using Applicant's own disclosure. Applicant

thus respectfully submits the Examiner's rejection of claims 1 and 13 as amended under 35 U.S.C. §103(a) over Keuck in view of Hong fails at this point. Applicant accordingly respectfully submits claims 1 and 13 as amended are patentable over Keuck in view of Hong.

Applicant respectfully traverses the rejection of claim 7 under 35 U.S.C. §103(a) over Keuck in view of Hong. Based on the foregoing arguments, there simply is no disclosure in Keuck or Hong that teaches a variable height bridge assembly to compensate for bookshelf restraints near the floor covering.

Claims 9-10 have been canceled thereby rendering the above-recited rejection moot.

Applicant respectfully traverses the above-recited rejection of claims 1 and 13 as amended under 35 U.S.C. §103(a) over Keuck in view of Bressner. In combining Bressner with Keuck, the Examiner asserts Bressner discloses a bridge assembly. Applicant respectfully disagrees. Bressner discloses a lifting device supported on a dolly 115 having wheels. The dolly 115 includes a base assembly 517 and leg assemblies 519, which form a u-shape; however, the base assembly 517 and the leg assemblies 519 are spaced apart in a u-shape only to support the lifting device. The dolly 115 of Bressner in no way is used to bridge over a pinned object, and there is absolutely no disclosure in Bressner that the bridging of pinned objects is contemplated. As such, Bressner simply does not disclose a bridge assembly that spans and is elevated over a tile pinned underneath a vertical support of a bookshelf. Because Bressner does not disclose a bridge assembly, Applicant respectfully submits combining Bressner with Keuck cannot create Applicant's bridge assembly. Moreover, Applicant respectfully submits that, as previously argued, there is no reason to modify Keuck outside the teaching contained in Applicant's own disclosure. Applicant therefore respectfully submits that any modification of Keuck by Bressner is nothing more than a hindsight reconstruction of Applicant's claimed invention using

Applicant's own disclosure. Applicant thus respectfully submits the Examiner's rejection of claims 1 and 13 as amended under 35 U.S.C. §103(a) over Keuck in view of Bressner fails at this point. Applicant accordingly respectfully submits claims 1 and 13 as amended are patentable over Keuck in view of Bressner.

Applicant respectfully traverses the rejection of claim 7 under 35 U.S.C. §103(a) over Keuck in view of Bressner. Based on the foregoing arguments, there simply is no disclosure in Keuck or Bressner that teaches a variable height bridge assembly to compensate for bookshelf restraints near the floor covering.

Claims 9-10 have been canceled thereby rendering the above-recited rejection moot.

The prior made of record in the referenced application has been reviewed by Applicant and is deemed not to anticipate nor render obvious the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims, and earnestly solicits early allowance of the subject application.

Respectfully submitted,

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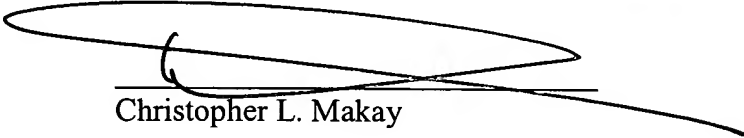
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